

REMARKS

Claims 2-3 and 5-7 are pending in this application, of which claims 2, 5 and 7 have been amended. No new claims have been added.

Claim 7 stands objected to for an informality which has been corrected in the aforementioned amendments.

Claims 5 and 7 stand rejected under 35 U.S.C. §112, second paragraph, as indefinite.

Applicant does not understand the Examiner's confusion about the claim language. The engaging piece 8h, (disclosed on page 11, line 26) is formed only on each second engager 8d (disclosed on page 11, line 20), and is not formed on the first engager 8b (disclosed on page 11, line 8).

Accordingly, claim 5 has been amended to clarify this distinction, and the 35 U.S.C. §112, second paragraph, rejection should be withdrawn.

Claims 2 and 5-7 stand rejected under 35 U.S.C. §102(b) as anticipated by JP H04-34091 (hereafter "**34091**").

Applicant respectfully traverses this rejection.

FIGS. 2 and 3 of '**34091**' show that elastic deformation of "second engager" 23 occurs only when bolt 31 is screwed into it.

In contrast, in the present invention, only first engager 8b contains a screw hole, while second engager 8d uses elastic deformation of the engaging piece 8h for clamping the attaching plate to the frame.

More specifically, in **'34091**, the fixture (20) is passed through into the fixed hole (11) of the attaching plate (9) without being elastically deformed when it is inserted from the upper side of Fig. 2 and Fig. 3. After that, the bolt (31) is inserted into the fixture (20) from the upper side of Fig. 2 and Fig. 3, and is screwed into the screw hole (22). Depending on the progress of rotational fastening of bolt (31), the clamping pieces (23) are bent so as to contact the attaching plate (9).

Therefore, **'34091** does not disclose both elastic deformation when passing through the fixed hole and elastic restoring after passing through fixed hole.

In contrast, in the present invention, each engaging piece is elastically passed through a fixed hole in the attaching plate and is elastically restored after passing through the fixed hole so as to clamp the attaching plate regardless of the bolt screwing.

Further, in the present invention, the screw hole is formed in each first engager. In contrast, in **'34091**, the screw hole (22) having the screw threads is formed only in an end portion of the fixture (20).

Accordingly, claims 2 and 5 have been amended to recite that the screw hole is formed only in each said first engager.

Thus, the 35 U.S.C. §102(b) rejection should be withdrawn.

Claim 3 stands rejected under 35 U.S.C. §103(a) as unpatentable over **'34091** in view of U.S. Patent 6,457,547 to Novitschitsch (hereafter "**Novitschitsch**").

Applicant respectfully traverses this rejection.

Novitschitsch has been cited for teaching a water drain 43 positioned on the lower end of the monitoring device and extending away from the support, or plate.

However, Novitschitsch, like '34091' discussed above, fails to teach, mention or suggest the feature recited in claim 5, as amended, from which claim 3 depends.

In addition, the water drain system disclosed in Novitschitsch is not drained outward of the attaching plate through an internal space in the fixture, as in the present invention.

Thus, the 35 U.S.C. §103(a) rejection should be withdrawn.

Furthermore, the present invention has the following advantages not found in the cited references:

1) The speaker can be fixed by merely inserting the engaging pieces (8h) in a fixed hole (4c or 40a) of the attaching plate (4 or 40). Thus, the speaker can be easily fixed. On the other hand, in '30491', each bolt is screwed into the fixing hole when the speaker is attached to the attaching plate.

2) The attaching plate (4 or 40) is fixedly clamped between the top end face (8k) of the engaging piece (8h) and the first engager (8b).

3) The fixing operation, the removal operation and the re-fixed operation are easy to perform.

4) The high waterproofing effect is accomplished by the excellent draining function of the fixture (8) and the waterproofing function of the adapter (9).

On page 4, item 9 of the Office Action, the Examiner discusses an "engaging piece" shown in FIG. 2. Applicant respectfully submits that the clamping piece 23 shown in FIG. 2 is not an "engaging piece".

On page 7, the Examiner states:

It is recited that the second engager is elastically restored to its original shape, even when the screw is tightened down in the first engager. This limitation does not appear in the claims. Page 8, lines 21-22, it is stated that the screw hole is formed in the first engager, which is on the same side of the attaching plate. Again this limitation is not claimed.

Applicant respectfully submits that these features are claimed.

In view of the aforementioned amendments and accompanying remarks, claims 2-3 and 5-7, as amended are in condition for allowance, which action, at an early date, is requested.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105.

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Respectfully submitted,

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